



# U.S. DEPARTMENT of STATE

## Ghana

### Country Reports on Human Rights Practices - [2004](#)

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Ghana is a constitutional democracy with a strong presidency and a unicameral 230-seat Parliament. In December, eight political parties contested parliamentary elections, and four parties, including the ruling New Patriotic Party (NPP), contested presidential elections. Despite a few incidents of intimidation and minor irregularities, domestic and international observers judged the elections generally free and fair. John Agyekum Kufuor of the ruling NPP was reelected president with 52.45 percent of the vote against three other presidential candidates, including former Vice-President John Atta Mills of the National Democratic Congress (NDC). The judiciary was subject to influence and corruption and lacked adequate resources.

The police, under the jurisdiction of an eight-member Police Council, are responsible for maintaining law and order. The military continued to participate in law enforcement activities during the year. A separate department, the Bureau of National Investigations, handles cases considered critical to state security and answers directly to the executive branch. While civilian authorities generally maintained effective control over security forces, there were some instances in which elements of the security forces acted independently of government authorities. Some members of the police and other security forces committed numerous serious human rights abuses.

The market-based economy remained dependent on agriculture, which accounted for approximately 39.8 percent of gross domestic product and 49 percent of employment, according to government statistics. The country's population was approximately 21 million. The economy grew at a rate of 5.2 percent during 2003. Inflation decreased from a high of 30 percent in April 2003 to 12.9 percent by August, and wages kept pace with inflation.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Police use of excessive force resulted in some unlawful killings and injuries. There continued to be credible reports that police beat suspects in custody, and that police arbitrarily arrested and detained persons. Prison conditions remained harsh and life threatening. Police corruption and impunity was a problem. Prolonged pretrial detention remained a serious problem. Corruption in all branches of the Government remained a serious problem, although some initiatives were taken to correct this. At times the Government infringed on citizens' privacy rights. There were occasional reports that government officials pressured government media outlets to minimize coverage of opposition politicians. Police set up barriers, ostensibly to patrol illegal smuggling, but motorists often complained that they used these barriers to demand bribes from motorists. A nighttime curfew in the north was lifted in August. Violence against women and children was a serious problem; however, the Government continued to prosecute sexual abuse against underage girls and courts gave lengthy sentences and remanded several individuals in custody for such abuse. *Trokosi*, a traditional form of ritual servitude that is prohibited by law, was practiced on a limited scale in one region of the country. Female genital mutilation (FGM), although illegal, still was practiced. Societal discrimination against women, persons with disabilities, homosexuals, and persons with HIV/AIDS was a problem. Trafficking in women and children was a problem. There were some incidents of politically and ethnically motivated violence, and some ethnic groups complained of discrimination. Child labor, including forced child labor, was a problem in the informal sector. Vigilante justice also was a problem.

On October 12, the National Reconciliation Commission (NRC) submitted its final report and recommendations to the Government based on hearings held between January 2003 and July on human rights abuses for the periods of unconstitutional government since independence in 1957.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There was one report of a political killing. Security forces committed some unlawful killings of criminal suspects and innocent bystanders using excessive force. During national elections in December, a regional chairman of a small opposition party, the Convention People's Party (CPP), who was also the branch chairman of the Ghana Private Road Transport Union, was arrested

for alleged possession of illegal weapons. Although no weapons were recovered, police handed him over to the military, where he later died on December 9. Following the incident, the Inspector-General of Police ordered a commission to investigate the cause of death. An autopsy was conducted and revealed clear signs of physical abuse during custody. A military investigation into the same incident was also ongoing at the year's end.

Incidents of police brutality, negligence, and corruption contributed to low public confidence in police, mob attacks on police stations, and a widespread desire to deal with suspected criminals through vigilante justice (see Section 1.c.). For example, on March 29 in Nsuaem, Western Region, a 16-year-old student was killed while in police custody. A mob attacked the police vehicle transferring the student, who was accused of selling body parts, from the local police station to the regional station. The police claim the student was killed by a stray bullet; however, the student's father disputed the claim and said that the police had intentionally killed him. There was no further action on this case by year's end.

A police investigation into the July 2003 incident in which a bystander was killed when police officers fired warning shots to disperse a crowd was ongoing at year's end.

Unlike in the previous year, there were no reported cases that police shot and killed armed robbers while trying to apprehend them during the year. The court trial of an officer who killed one man and injured another while attempting to arrest them for illegal logging in Kintampo, Brong-Ahafo Region, in 2003 was completed during the year. The police officer had been discharged on a court order so that he could participate in the trial. He was found innocent and reinstated for duty.

Political clashes also led to several deaths, injuries, and property damage (see Section 1.c.).

On December 6, the night before Election Day, there was a dispute between opposing political party activists in Kwamekrom in the Volta Region; two persons were shot, and one later died.

On December 7, Election Day, groups of political party activists in the north monitored polling stations in an unofficial capacity and without observation credentials from the Electoral Commission, and there were some reports of harassment and intimidation by these groups. In the Tolon/Kumbungu district of the Northern Region, NPP supporters went into a constituency known to be an NDC stronghold to investigate allegations of underage voting. The two groups clashed, resulting in the death of two persons, one from each side of the debate.

The trials of those charged with unlawful harm during the 2003 clashes between NPP and NDC supporters in Tamale, Northern Region, have not been officially dropped from the docket but have been "abandoned," and no one from either side has pursued further action. Opposition NDC party members called for an official inquiry into the situation, alleging that security forces abused, harassed, and discriminated against their party supporters during the incident; however, no judicial inquiry occurred by year's end, and the Government denied the allegations.

During the year, chieftancy disputes continued to result in tensions; however, there were no reports of deaths during the year (see Section 5).

In March, there were two cases in which unknown assailants killed Fulani herdsmen in the Eastern Region. These clashes were connected with traditional land rights disputes between indigenous locals and the migrant herdsmen. Clashes were also sparked when herdsmen allowed their cattle to graze openly on local farmlands. Some of these disputes were prosecuted under the law while others were resolved through chieftancy resolution, and other cases were not prosecuted at all. In April, the Government reminded chiefs that they should not allow illegal grazing practices by herdsmen.

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs on suspected criminals and suspected witches, which led to a number of deaths and injuries (see Section 5). For example, in July, four suspected robbers were killed by mobs in three separate incidents in Kumasi, the capital of the Ashanti Region. In several instances, security forces intervened to save the lives of suspected criminals.

The investigation into the 2003 case of a man accused of lynching a Malian man was ongoing at year's end.

No arrest had been made in a 2003 case in which a mob attacked and killed a fetish priest. An investigation was ongoing at year's end.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there continued to be credible reports that police beat prisoners and other citizens. It generally was believed that severe beatings of suspects in police custody occurred throughout the country but largely

went unreported. In many cases in which suspects alleged maltreatment, the police denied the allegation or claimed that the force was justified.

One local press source reported several incidents of beatings by police throughout the year, although the police alleged the use of force in these cases was necessary. In June, a police officer reportedly beat an employee of the electricity company for disconnecting the power supply to a police station that had failed to pay its bill. Police and security officers also beat a group of political party activists and prevented their travel to a regional capital to protest a decision made at their party's headquarters in Accra (see Section 2.d.). Investigations in these cases were ongoing at year's end.

On May 24, police in the eastern region arrested a man suspected of stealing tractor parts from his former employer. The suspect was escorted through town with no clothing, prompting public taunting. The suspect claimed that they tore off his clothing during arrest, but the police said that the suspect removed his own clothing while resisting arrest. No further inquiry into the matter was made during the year.

On December 18, a police officer in Accra reportedly shot a taxi driver for failing to heed orders to stop after committing an illegal driving offense. The police alleged that he tried to shoot the vehicle's back tire, but instead shot the driver in the ribs. An investigation was ongoing at year's end.

Unlike in previous years, there were no reports of injuries from warning shots fired by police. Police Administration opened an internal investigation into the use of excessive force in riot situations. The investigation was completed during the year.

There were reports of inter- and intra-party clashes. A dispute between the ruling NPP and opposition NDC parties turned violent in Tamale, Northern Region, in May, which resulted in several injuries and the destruction of property (see Section 1.a.).

At year's end, the trial continued of the four suspects involved in a 2003 bombing outside the residence of the regional NPP organizer in Ho, Volta Region.

A commission of inquiry into the cause of the 2001 clash between a group of NPP activists and NDC supporters in Asutuare, Greater Accra Region, continued its work during the year. The mandate required the commission to submit a report to the President within 8 weeks of its first meeting; however, no report had been submitted by year's end. The case had not been called to court by year's end.

"Machomen" (party thugs) and land guards, private security enforcers hired by citizens to settle private disputes and vendettas, caused injury and property damage during the year. The machomen were organized privately and operated outside the law. There were some allegations of police complicity with these extralegal security agents. In January, the national organizer of the NDC said that all political parties in the country were guilty of using machomen to intimidate their opponents during election periods. On August 4, the Government declared a ban on land guards. In October, police in Tema arrested 23 land guards following their persistent harassment of developers on a disputed piece of property.

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs against suspected criminals and suspected witches that led to a number of deaths and injuries (see Sections 1.a and 5).

The 2003 case in which a mob severely beat four men who were falsely accused of theft was still under investigation at year's end.

Prison conditions in most cases were harsh and sometimes life threatening, despite government efforts during the year to improve them. The 2003 Prisons Service Annual Report revealed that prisons remained overcrowded and under-financed. According to the report, there was a monthly average of 11,038 prisoners serving in prisons meant for a total population of 6,500. The report also noted that the President granted amnesty in 2003 to 1,823 prisoners to help relieve the congestion in prisons.

The Government also sought to address the unsafe and unsanitary conditions of the prisons during the year. Much of the prison population was held in buildings that were originally old colonial forts or abandoned public or military buildings, with poor ventilation and sanitation, dilapidated construction, and limited space. In April, the Government committed \$25 million to transform the Prisons Service to construct a new prison complex in the Greater Accra region. Additionally, the Government secured a \$19.2 million loan from the South African Government to procure training materials and vehicles for Prisons Service officers.

Prisoners relied on families or outside organizations for additional food, medicine, and other supplies. A shortage of bedding and clothing for prisoners continued. Medical facilities were inadequate, and the prisons supplied only the most basic medicines. Overcrowding contributed to a high prevalence of communicable diseases. Some suspects allegedly pleaded guilty to be sent to prison and leave the unsanitary conditions in police remand cells.

According to the 2003 Prisons Service Report, 115 prisoners died in prisons in 2003 from diseases such as tuberculosis, HIV/AIDS, and anemia.

At a prison in the Central Region, four wardens faced disciplinary action in June for covering up information regarding the escape of inmates in 2002. The prisoners were able to escape because they were hired out to work for local farmers by some prison officials, who then pocketed the money paid for the prisoners' labor.

Female prisoners were held separately from male prisoners. The Criminal Code stipulates that, regardless of the offense, all women convicts should be tested for pregnancy upon incarceration. If a convict is pregnant, the convict should be kept at a place where her health needs can be met. In spite of this directive, there were 42 pregnant convicts and 20 babies serving time with their convict mothers in 2003, according to the Prisons Service Annual Report.

Juvenile offenders were held separately in the Borstal Institute, a juvenile correction center. Juveniles who inflated their ages to avoid lengthy rehabilitation sentences in the Borstal Institute made the problem of overcrowding worse. During the year, the Department of Social Welfare and Prison Services collaborated to transfer any known juveniles in adult cells to juvenile correction centers.

Pretrial detainees were held with convicted prisoners.

The Prisons Service is governed by a Prisons Council, appointed by the President, with members from the Interior and Justice Ministries, the Department of Social Welfare, the Medical and Bar Associations, and other members of civil society. During the year, members of the Prisons Council, as well as the Commission for Human Rights and Administrative Justice (CHRAJ), foreign diplomats, nongovernmental organizations (NGOs), and the media inspected prison conditions. In the past, the Director General of Prisons has allowed cameras into some prison inspections to educate the population on the conditions; however, there were no reports during the year that the media was denied access. According to the 2003 Prisons Service Annual Report, members of the NRC, led by the chairman, visited select prison sites to assist in the work of the NRC.

#### d. Arbitrary Arrest or Detention

The Constitution provides for protection against arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

The police service come under repeated criticism following incidents of police brutality, corruption, and negligence. Public confidence in the police remained low, and mobs attacked several police stations due to perceived police inaction, delays in prosecuting suspects, rumors of collaboration with criminals, and the desire to deal with suspects through instant justice (see Section 1.a.). According to the police service's Monitoring and Inspections Unit, there were 590 complaints or petitions received against the police, compared with 455 cases reported in 2003. The number of complaints during the year of harassment or unlawful arrest and detention with human rights violations was 48 cases, compared with 22 in 2003.

A 2003 survey conducted by the Center for Democratic Development (CDD) on Police-Community Relations found that many of those arrested believed that they were not treated according to the law; there was a strong belief that police often violated the human rights of those arrested. Of those who stated that they were arrested, 46 percent were not informed of the charges against them, 51 percent were not read their rights, 67 percent reported they were not given the opportunity to contact a lawyer, and 44 percent believed they were presumed guilty from the onset.

Government officials publicly stated that the Government's "zero tolerance for corruption" policy applied to police and other security officials; however, the 2003 Police-Community Relations survey also found that 68 percent of respondents believed extortion or bribery occurred frequently within the Police Service. Of the small number of respondents who admitted having offered a bribe, 92 percent reported that police officers accepted the bribe. Similarly, a public opinion survey that CDD released in 2003 found that, among public figures, citizens were most suspicious of the police (79 percent responded that at least some police personnel were corrupt), followed by customs officials (74 percent), and judges/magistrates (70 percent).

There were credible reports that police extorted money from local businesses by acting as private debt collectors and arresting citizens in exchange for bribes from detainees' disgruntled business associates.

The Constitution provides that an individual detained should be informed immediately, in a language that the detained person understands, of the reasons for the detention and of his or her right to a lawyer and an interpreter, at state expense. The Constitution requires judicial warrants for arrest and provides for arraignment within 48 hours. The Constitution requires that a detainee who has not been tried within a "reasonable" time be released either unconditionally or subject to conditions necessary to ensure that the person appear in court at a later date.

In practice, while the incidence of abuse lessened, many abuses still occurred, including detention without charge for longer than 48 hours, failure to obtain a warrant for arrest, and remand of prisoners into investigative custody for indefinite periods by renewing warrants or simply allowing them to lapse. On June 8, the Director of Operations for the Prisons Service stated that 1,270 remand prisoners whose warrants had expired were still in prison custody. In addition, at times persons were detained for trivial offenses or on unsubstantiated accusations. Authorities routinely failed to notify prisoners' families of their incarceration; such information often was obtained only by chance. The court has unlimited discretion to set bail, which may be prohibitively high. The court may refuse to release prisoners on bail and instead remand them without charge for an indefinite period, subject to weekly review by judicial authorities. Police also demanded money from suspects as a precondition for their release on bail.

In November, seven active and retired military personnel were arrested for allegedly plotting a coup against the Kufuor Government. Although one person was found in possession of illegal weapons, the remaining six were released after being detained for longer than the lawful period of 48 hours.

Security forces used checkpoints and mass arrests while searching for criminals (see Section 2.d.).

Large numbers of long-term remand prisoners remained a serious problem. During inspections of prison facilities, the Director-General of Prisons met numerous remand prisoners who had been detained for up to 10 years without a trial. Some detainees served longer periods of time in remand cells than the allotted time for the crime committed. In May, the Kumasi Central Prison, which also housed many remand prisoners, reportedly threatened to release prisoners whose warrants had expired to prompt a response from the local authorities. Later that month, the Prisons Service and the Attorney General's office announced that all remand prisoners with expired warrants should have their cases referred to court for a speedy trial. The Prisons Service also recommended that the courts expedite the cases of, or else grant bail to, persons accused of minor offenses. As a result, two circuit courts on June 17 renewed the remand warrants of 23 prisoners, all of whom were facing armed robbery charges.

On April 3, 34 persons, including several chiefs, were remanded into police custody for allegedly rioting, causing damage, stealing, and arson. Two juveniles among the group were remanded to a children's home. CHRAJ made a public complaint on April 18, saying that the police had violated the law in detaining the suspects for longer than 48 hours. On April 26, 10 of the 34 suspects were released on bail and ordered to reappear before the court at a later date. There was no further update on the case at year's end.

Judicial officials made a number of efforts to improve the efficiency of the courts, such as implementing a pilot alternate dispute resolution program (see Section 1.e.).

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary was subject to influence, and corruption remained a serious problem. The Government took steps during the year to address corruption.

There were numerous allegations of corruption within the judicial system. On August 2, the Chief Justice said that some judges had not heard a single case or written a decision all year. A 2003 report adopted by the Parliamentary Select Committee on the Judiciary provided details on corruption in the judiciary, including accounts of extortion; misuse of remand, bail, and contempt of court charges for bribery; and acceptance of gifts or money in exchange for expedited or postponed cases, or losing records. The Committee recommended establishing and enforcing codes of conduct, transparent complaint procedures, and disciplinary mechanisms; however, none of these recommendations had been implemented by year's end. The Chief Justice continued his campaign to end corruption and increase transparency of the Service by fulfilling his promise when he took the position in 2003 to create an annual report that accounted for the Service's activities and addressed grievances.

A Complaints Unit of the Judicial Service continued to receive and investigate complaints of corruption, delays, and unfair treatment. According to the Annual Report of the Judicial Service, the Complaints Unit of the Judicial Service received 258 complaints and petitions between July 2003 and July. Of these, 63 cases were disposed of, 74 came under investigation, and 121 were pending at the end of the period under review.

There was no formal action taken in the 2003 judge bribing investigation, and the judge retired during the year.

During the year, the accused submitted a series of appeals in the Supreme Court to drop the case. The trial of the former head of the Ghana National Petroleum Corporation on charges of causing financial loss to the state was ongoing at year's end.

The Constitution provides for a Superior Court of Judicature, consisting of the High Court and Regional Tribunals, the High Court of Appeals, and the Supreme Court. Parliament may establish lower courts by decree. The Constitution allows the Government to nominate any number beyond a minimum of nine members to the Supreme Court, subject to parliamentary approval. The Chief Justice is empowered to impanel the justices of his choice to hear cases. These provisions, along with a lack of resources, limited the court's ability to balance the power of the executive branch and contributed to the perception that the judiciary occasionally was subject to executive influence.

The Constitution establishes two basic levels of courts: Superior and lower. The superior courts include the Supreme Court, the Appeals Court, the High Court, and regional tribunals. Fast Track Courts, a division of the High Court of Judicature, are authorized to hear cases involving banks and investors, human rights, electoral petitions, government revenue, prerogative writs, defamation, specified commercial and industrial cases, and criminal cases that involve substantial public money or are a matter of extreme public importance. The majority of cases filed before the Fast Track Court were for banking and commercial matters, and human rights and defamation. These courts tried cases to conclusion within 6 months.

Legal safeguards are based on British legal procedures. Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. In practice, authorities generally respected these safeguards.

There were frequent reports that large numbers of prisoners were held in detention for extended periods, sometimes years, without going to trial (see Section 1.d.). In July, the Chief Justice inaugurated a National Center for Arbitrators. This center was established following the success of the government-sponsored alternate dispute resolution pilot (ADR) program in Accra and Tema, during which 185 cases were resolved in 2003.

The Chieftancy Act gives village and other traditional chiefs power to mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, the authority of traditional rulers has steadily eroded and been vested in civil institutions, such as courts and district assemblies. In January, chiefs in Tema took part in a 3-day ADR training, and the training resulted in the recommendation that traditional councils should have their own constitutions, apart from the Chieftancy Act, to help institutionalize the role of local leaders in settling cases. The recommendation had not been implemented by year's end.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, in practice the Government infringed on privacy rights at times. Although the law requires judicial search warrants, police did not always obtain them in practice.

Opposition party activists claimed the Government engaged in surveillance and harassment of those it perceived to be opposed to the ruling party.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, the opposition parties occasionally complained that state-owned media outlets minimized media coverage of opposition politicians. The Government did not restrict academic freedom.

There were 50 newspapers including 3 state-owned dailies, 2 state-owned weeklies, and many privately owned newspapers. Two of the state-owned dailies had national circulation. Most newspapers circulated only in regional capitals, and many of the smaller private newspapers were available only in Accra. The President did not appoint chief executives to the state-owned media, and the Government did not finance any newspaper.

According to the National Communications Authority (NCA), the body responsible for allocating bandwidth and broadcast media licenses, Accra had 1 state-owned and 17 private FM radio stations, and there were approximately 11 state-owned and 100 private FM stations across the country. Most stations were independent and aired a wide range of viewpoints. There was one state-owned television station that broadcast nationwide; three semi-private television stations that broadcast in the Greater Accra, Eastern, and Ashanti regions; and three cable networks broadcasting in the Greater Accra Region, two of which also broadcast in Kumasi.

The NCA is independent. In 2003, the President appointed a new chairman of the NCA. Previously, the Minister of Communications served as chairman, which media organizations saw as a conflict of interest. Complaints persisted regarding delays in obtaining bandwidth and licenses for broadcast media, particularly in Accra; however, the number of radio stations across the country increased significantly during the year. Complaints against the NCA were not restricted to the broadcast media. One telecommunications company filed for international arbitration during the year after several years of disagreement with the NCA over the allocation of spectrum for its wireless operations.

Foreign media operated freely in the country, including the British Broadcasting Corporation, Radio France International, and Voice of America. Foreign periodicals were available in major cities and circulated freely even when they contained articles critical of the Government.

The state-owned media reported extensively on charges of corruption or mismanagement by both current and past government and administrative officials. During the year, the state-owned media gave some coverage to opposition politicians and printed occasional editorials critical of government policies; however, direct criticism of the President was avoided. The opposition NDC claimed that government media denied it equal access and coverage on numerous occasions, and in practice the state-controlled media gave greater exposure to government officials.

In October, the Northern Regional Security Council imposed a temporary ban prohibiting inflammatory political content on radio call-in shows following a flare-up of violence in the region. However, the ban was not legally binding and was regarded by media outlets as a plea from local authorities to report on election-related news in a responsible manner. The ban was lifted prior to the elections. Although the media did not cease talk shows, they generally respected the occasional temporary bans imposed by local district governments.

Some privately owned newspapers were harshly critical of the Government's policies and of President Kufuor, his ministers, and advisors. The Government at times alleged that some reporters and editors failed to abide by professional ethical guidelines. For example, in April, the President's brother sued a newspaper for libel and was awarded \$4500 (400 million cedis). Several other libel cases were also filed during the year by key political figures. There were frequent calls for more discipline by the media from government officials, professional journalist organizations, and citizens, especially for restrictions on live radio call-in shows. Call-in shows were often portrayed as a possible source of political tension.

The National Media Commission (NMC), a constitutionally mandated independent government body, is charged with maintaining journalistic standards, including the investigation, mediation, and settlement of complaints made against or by the media; however, it did not have legally binding authority to implement its recommendations. The NMC has published standards and guidelines, and voluntary use of its alternative dispute resolution offices continued to increase. Resolutions recommended by the NMC included retraction, apology, and the printing of rejoinders. During the year, the NMC received 24 cases, 6 were withdrawn by the complainant after an apology or retraction, 4 cases were resolved outside the jurisdiction of the NMC, 4 complainants had not yet communicated their response from the media to the commission, 3 cases were released through press statements, and 7 cases were awaiting judgments at the year's end.

Unlike in the previous year, there were no reports that journalists were arrested during the year.

The Government does not restrict access to the Internet. There were more than 10 operating Internet service providers (ISPs) in the country at year's end.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, at times the Government restricted this right. The Government does not require permits for demonstrations; however, police can deny use of a particular route. There were no reports that the police arbitrarily canceled demonstrations. In July, during a forum held by the National Commission for Civic Education, a district police commander reminded the public in the Eastern Region that the law requires that all organizers of "special events" or "processions" inform the police of their intentions at least 5 days in advance so that the police can institute precautionary measures. The forum was held as part of a series to enable citizens to learn about their rights and responsibilities concerning public rallies. In March, photocopies of the Public Order Act were given to the three main political parties--the NPP, NDC, and CPP--in an election-year effort to get political parties to inform their own supporters about the laws concerning public rallies.

Political parties held national congresses and labor organizations held demonstrations without hindrance during the year. Unlike in the previous year, no political party rallies were postponed or cancelled at the request of police.

The Government permitted peaceful demonstrations and rallies during the year. Unlike the previous year, police did not use force to disperse any demonstration.

According to local press reports, in September, police and soldiers assaulted and beat supporters of the NPP in the Upper East region. They were driving to the regional capital to protest the party's national headquarters decision not to hold a local election to select a candidate for parliamentary elections. Police alleged that the protesters did not have permission to demonstrate in the capital.

There were no developments in the 2002 cases in which security forces forcibly dispersed demonstrations.

Periodically throughout the year, the Northern Regional Security Council imposed temporary bans on outdoor political activities following violent clashes between supporters of the two major political parties in Tamale. In each case, the bans were eventually lifted.

On August 18, the ban on demonstrations in the Dagbon Traditional area due to a state of emergency was lifted (see Section 2.d.).

There were verifiable reports from the north that political party thugs beat individuals during the election campaign season. In at least one of these cases, a nonpolitical rally was mistaken for a pro-NDC political gathering and NPP party thugs severely beat a rally participant. The northern office for the CHRAJ continued to investigate this case and other formal complaints at year's end.

The ban on campus demonstrations remained in effect during the year; however, it has never been challenged nor enforced.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Members of security forces are prohibited from joining political assemblies or groups within the security services, but they are allowed to participate outside police or military grounds.

NGOs are required to register with the Registrar General's office and the Department of Social Welfare, but this registration was routine.

The Electoral Commission (EC) accredits political parties. The parties must show evidence of a "national character," such as official representation in all 10 of the country's regions. The EC evaluates whether the party showed evidence of a viable national support base before granting accreditation and may annul the registration of a party that failed to meet the criteria for being a viable party.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Religious institutions that wanted formal recognition were required to register with the Registrar General's Department; however, there were no reports that the Government denied registration to any group. Most traditional religions, with the exception of the Afrikania Mission, did not register.

Although the law prohibits involuntary servitude, *Trokosi*, a form of religious servitude usually lasting no more than a few months, existed on a limited scale (see Section 5). Government agencies, like CHRAJ, have campaigned actively against *Trokosi* for years, and supporters of traditional African religions, such as the Afrikania Renaissance Mission, have stated that these activities constituted discrimination against indigenous religious beliefs.

There were occasional reports of interreligious and intrareligious incidents, but no violent incidents based on religious affiliation occurred during the year.

There were occasional and isolated anti-Semitic sentiments expressed in a bi-weekly independent newspaper, which had an annual circulation of about 48,000 and generally supports the opposition political party.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

Citizens and foreigners were free to move throughout the country. Security officers manned checkpoints nationwide to prevent smuggling, seize illegal weapons, and catch criminals, although many were unmanned during daylight hours. The Police Administration continued to erect security checkpoints and conducted highway patrols in response to an upsurge in highway robberies, and police roadblocks and car searches were a normal part of nighttime travel in larger cities. The police administration acknowledged that some officers occasionally erected illegal barriers to solicit bribes from motorists. The Regional Police Commanders monitored the activities of police personnel working at the checkpoints.

The Constitution prohibits forced exile, and the Government did not employ it. The Government encouraged citizens, including dissidents living abroad, to return to the country. Some former Armed Forces Revolutionary Council and Provisional National Defense Council officials returned during the year to testify before the NRC (see Section 4).

Traditional village authorities can punish rural women with banishment for being pregnant out of wedlock or for suspected witchcraft. The press reported that hundreds of women accused of witchcraft were sent to penal villages in the Northern Region by traditional authorities such as shamans (see Section 5). During the year, 46 women were sent to 7 witch camps in the north. After passing through customary rituals to 'render them powerless' 11 were permitted to return home. In 2003, the CHRAJ estimated that there were approximately 1,090 persons living in 3 main witches camps in the area of Gambaga, Ngani, and Kuku. Various organizations provided food, medical care, and other support to the residents of the camps. The CHRAJ and human rights NGOs had little success in their efforts to end this traditional practice.

In August, the Government lifted a state of emergency in Yendi, in the Northern Region, which began in 2002 following intra-tribal violence.

The law provides for the granting of refugee status or asylum to persons in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a refugee board to adjudicate claims for refugee status and ensure they receive all appropriate protections. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The law also incorporates the broadened refugee definition under the African Union Convention Governing Specific Aspects of Refugee Problems in Africa. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The country generally had a liberal policy of accepting refugees from other West African nations, although this did not extend to granting work permits or permanent residence. The Government also provided temporary protection to certain individuals who may not qualify as refugees under the 1951 U.N. Convention 1967 Protocol; there were no individuals granted temporary protection during the year.

The political crisis in Cote d'Ivoire and Liberia led to an inflow of approximately 3,000 refugees during 2003. At year's end, the Government and the UNHCR confirmed that there were 48,144 total refugees and asylum seekers resident in the country, of



whom 40,315 were Liberian, 5,389 Togolese, and 2,440 from other nations.

Although armed security forces continued to conduct periodic searches for armed rebels at the Buduburam Refugee Camp, U.N. officials stated that the Government acted responsibly and that the UNHCR had received no complaints about harassment or intimidation from camp residents during the year.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government, and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage. Despite a few incidents of intimidation and election irregularities, domestic and international observers judged the December national elections to be free and fair. However, there were reported problems in the presidential and parliamentary national voter registration exercise.

The country continued its transition from a one-party state to a more established multiparty constitutional system. The political system includes recognized opposition parties, which express their views freely within Parliament and won a near majority of the parliamentary seats. All registered political parties operated freely within the country and held peaceful rallies in preparation for the December elections.

The Electoral Commission, an independent body, created a new voter registration for the presidential and parliamentary elections held in December. This process required each citizen to register and possess a valid registration card to vote in the national elections. Although the registration process generally went according to plan, there were some problems, such as shortages of registration materials, defective materials, a failure to capture all eligible voters due to internal migration patterns during the registration period, and isolated incidents of violence between opposing party supporters.

On December 7, Presidential and parliamentary elections were held nation-wide. John Agyekum Kufuor of the NPP was reelected with 52.45 percent of the vote. Despite some irregularities, international observers reported the elections to be generally free and fair. There were reports of a shortage of ballot papers at some polls and minor problems with the voter register, such as misspelled names or photos not matching names. A police officer or other civilian security person was present at most polling stations across the country; however, there were no allegations of intimidation by the security officers at polling stations. In some areas of the country, military police and other security forces maintained a low profile at polling stations and appeared when serious problems occurred (see Section 1.a.). There was unrest in Bawku when someone in a crowd fired gunshots into the air, resulting in injury to a military soldier. In other isolated areas of the country, security forces stepped in to stem potentially violent clashes at polling stations. The NPP won 128 seats; the NDC 94; the CPP 3; the PNC 4; and there was 1 independent candidate who won a seat.

The Constitution calls for a system of checks and balances, with an executive branch headed by the President, a unicameral parliament, an independent judiciary, and several autonomous commissions, such as the CHRAJ. In practice, the system of checks and balances was limited by a system-wide lack of resources that affected all three branches. Parliament still sought effective oversight of the workings of the executive branch. Although all Members of Parliament (M.P.s) have the power to introduce bills, no one has ever done so; however, some M.P.s have introduced motions.

Corruption in the executive and legislative branches continued to be a problem. In June, a 3-day workshop was held in Accra with participants from all over Africa to promote transparency in government procurement. At the workshop, the Minister of Finance stressed the need for procurement (which constitutes a significant portion of government spending) to be as transparent as possible. The Public Procurement Act promotes competition and transparency by publishing lists of competitive bidders for government contracts in public bulletins and daily newspapers.

In a report on political party financing released in September, the CDD found that 42 percent of those surveyed felt that kickbacks were the strongest manifestation of political corruption, followed by political appointment and extortion.

The opposition NDC continued to claim that the Government used anticorruption investigations to intimidate and harass its members. The Government continued to question former officials about allegations of corruption during the year, and some trials were ongoing (see Section 1.e.).

Opposition parties and some persons in private business, continued to allege that some government contracts were awarded on the basis of ruling party membership and that government officials pressured businesses to steer contracts toward favored companies and individuals.

In the December elections, female candidates won 25 of 230 parliamentary seats, and there were 13 female ministers and Council of State members out of 92.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

At least 20 domestic and international human rights NGOs generally operated without government restriction, investigating and

publishing their findings on human rights cases. Government officials generally were responsive to their views. Prominent NGOs that operated in the country included the International Committee of the Red Cross (ICRC), Amnesty International, the International Federation of Woman Lawyers (FIDA), as well as local NGOs such as the African Center for Human Development and Ghanalert. In addition to cooperating with these NGOs, the Government cooperated with international humanitarian organizations, including the ICRC and the International Organization for Migration (IOM).

The CHRAJ was charged with investigating alleged violations of human rights, including corruption of public officials, and taking action to remedy proven violations. The CHRAJ continued to hold workshops to educate the public, traditional leaders, police, and the military on human rights issues. It mediated and settled cases brought to it by individuals with grievances against government agencies or private companies. On average the CHRAJ received between 4,000 and 5,000 new petitions per year, with steady increases each year. In July, the Acting Commissioner of CHRAJ stated that since its inception in 1993, CHRAJ had received over 60,000 cases, and 75 percent of these had been resolved. He stated that the number of cases continued to increase during the year.

The CHRAJ operated with no overt interference from the Government. Its biggest obstacle was a lack of adequate funding. Low salaries and poor working conditions resulted in the loss of many CHRAJ-trained personnel to other government agencies that were able to pay their employees more.

In January 2003, the NRC, established to create a historical record of human rights abuses for the periods of "unconstitutional government" between 1957 and 1993 and to make recommendations for redress, began conducting public hearings. The Commission's 12-month mandate was extended by 6 months in 2003 to accommodate the volume of complaints and allow thorough investigation. The NRC closed the public hearings on July 13 and received a total of 4,311 petitions. The NRC heard 2,129 cases that fell within the commission's mandate, including ill treatment, detention, torture, seizure of property, unlawful killing, abductions, disappearance, and others. The NRC submitted its final report to the Government on October 12; however, by year's end, the report had not been made public, nor had the Government issued a formal response.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination on the basis of race, sex, disability, language, or social status; however, enforcement by authorities was generally inadequate, in part due to limited financial resources. The courts were empowered to specifically order enforcement of these prohibitions.

#### Women

Violence against women, including rape and domestic violence, remained a significant problem. According to FIDA, one in three women experienced domestic violence, and most abuses went unreported and seldom came before the courts. The Women and Juvenile Unit (WAJU) of the police service was established specifically to handle cases of domestic violence, child abuse, and juvenile offenses as well as researching patterns and types of crimes against women and children. During the year, 11,984 cases were reported to WAJU. The majority of these were cases of child neglect (7,421) and assault (2,059), most frequently in the form of domestic violence. Of these cases, there were 181 rape cases reported during the year. The Director of WAJU stated the increase in reported cases was due to an increase in victim rights awareness programs. The media also increasingly reported cases of assault and rape. WAJU worked closely with the Department of Social Welfare, FIDA, the Legal Aid Board, and several human rights NGOs.

Unless specifically called upon by the WAJU, police tended not to intervene in domestic disputes. Prosecution of domestic violence cases remained still difficult. On average, of the cases prosecuted, approximately one-quarter received convictions. Many victims did not have access to appropriate medical assistance to record the abuse, which hampered prosecution efforts. During the year, WAJU, international donors and NGOs collaborated to operate a medical trust fund for victims of domestic violence. A domestic violence bill was pending at year's end.

The Criminal Code bans the practice of customary servitude, makes the age of criminal responsibility 12 years, criminalizes indecent assault and forced marriages, and imposes punishments for defilement, incest, and prostitution involving children.

A strong belief in witchcraft continued in many parts of the country. Most accused witches were older women, often widows, who were identified by fellow villagers as the cause of difficulties, such as illness, crop failure, or financial misfortune. Many of these women were banished by traditional village authorities or their families and went to live in "witchcamps," villages in the north populated by suspected witches (see Section 1.d.). The women did not face formal legal sanction if they returned home; however, most feared that they could be beaten or lynched if they returned to their villages. The law provides protection to alleged witches, and the WAJU continued to prosecute violence and societal abuses related to allegations of witchcraft.

There were several cases of lynching and assault of accused witches during the year. For example, on August 24, a 35-year-old man was prosecuted and sentenced to death by a fast-track high court for murdering his wife on the suspicion that she was a witch.

The case against four men accused of beating a woman to death on suspicion of witchcraft in July 2003 remained pending at year's end.

There were several traditional discriminatory practices that were injurious to the health and development of young girls. In particular FGM was a serious problem. According to a recent study conducted by the Ministry of Health, the prevalence rate among women ages 12 to 19 in the north was approximately 14 to 15 percent. Although the study did not include some females who had not yet reached the typical circumcision age of 15, the prevalence rate indicated a steep drop from the previous study. Often it was performed on girls under the age of 15. Research conducted by the Ministry of Health in the northern regions indicated that intervention programs have been somewhat successful in reducing the prevalence. Some observers believed that in the Northern Region, there was a 15 percent FGM prevalence rate, while others believed that education on the illegality of FGM has driven the practice underground and the real rate was as high as 30 percent. Officials at all levels, including traditional chiefs, have spoken against the practice, and local NGOs continued their educational campaigns to encourage abandonment of FGM and to retrain practitioners. In some cases in which FGM was performed, the victims actively sought out practitioners, sometimes without their parents' knowledge, to become ready for marriage. One NGO in the Northern Region reported that mothers frequently failed to return to the hospitals where they delivered their babies for immunizations and to attend postnatal clinics, allegedly because they did not want the hospitals to discover that they were engaging in FGM.

The law prohibits FGM; however, members of the legal community advocated for legislation to close loopholes in the law and extend culpability to those who aid in carrying out FGM and to citizens who commit the crime outside the country's borders. In January, a 70-year-old woman in the Upper East was imprisoned for 5 years for circumcising seven girls who needed medical attention after the practice.

There were no laws that specifically protect women from sexual harassment; however, some sexual harassment cases were prosecuted under the existing Criminal Code. Women's advocacy groups reported that sexual harassment was a problem.

There is a Ministry of Women and Children's Affairs to address gender and children's issues; however, women continued to experience societal discrimination. Women in urban centers and those with skills and training encountered little overt bias, but resistance to women entering nontraditional fields persisted. Women, especially in rural areas, remained subject to burdensome labor conditions and traditional male dominance. Traditional practices and social norms often denied women their statutory entitlements to inheritances and property, a legally registered marriage (and with it, certain legal rights), and the maintenance and custody of children.

Women's rights groups were active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The Government was active in educational programs, and many officials were active, outspoken advocates of women's rights.

#### Children

Within the limits of its resources, the Government was committed to protecting the rights and welfare of children. In 2003, the Government finalized the design of its long-term development plan—the Education Sector Plan (ESP) 2003-2015. The ESP establishes an operational framework and indicates the Government's long-term commitment to achieving universal primary education. The Government was in the process of implementing this plan at year's end.

Education is compulsory through primary and junior secondary school (the equivalent of grades 1 through 9); however, education is not free. In practice, District Assemblies imposed levies of up to \$50 (455,000 cedis) per term, despite government regulations that these charges should not be more than \$10 (91,000 cedis). Parents are required to purchase uniforms and books, as well as extra items listed in schools' prospectuses. In addition, teachers often imposed extra classes for an additional fee to supplement their incomes. During the year, the Minister of Education directed all levies above \$10 (91,000 cedis) to be refunded and required bills of secondary schools to be vetted by District Directors of Education before being sent to parents. The Minister continued to advocate the refund policy; however, it was not implemented, and no refunds were made during the year. The Government abolished the payment of any type of charges in 40 deprived districts as part of its overall goal of making education accessible to all children by 2015.

In 2003, the gross enrollment rate was 81.3 percent at the primary level with 84.6 percent of boys enrolled compared with 78 percent girls. Enrollment was lower in the northern three regions than in the rest of the country (69.6 percent). At the Junior Secondary School (JSS) level, 67.1 percent of eligible children were enrolled, with 71.7 percent of eligible boys and 62.4 percent of eligible girls enrolled.

The Government strongly supported the U.N.'s Education for All goals. During the year, the Ghana Education Service (GES) actively campaigned for expanded education of girls by providing scholarships at the JSS and Senior Secondary School levels and providing incentives for female teachers to teach in rural areas. For example, the GES placed Girls Education Officers at the regional and district levels. There were Community Participation Coordinators in every district office, which mobilized communities to increase girls' school enrollments. In terms of in-school programs, the Government established Science and Math Clinics at the JSS level to encourage more girls to pursue careers in science and technology.

These efforts have been accompanied by increased government support of "informal" schools, which target children that must work to help support their families. The Government also increased educational opportunities for students with disabilities by increasing grants to primary schools serving these students during the year. Some children were unable to attend school because they worked to supplement their family's income (see Section 6.d.), they had to travel long distances to reach the school, or there was a lack of teachers, especially in more rural areas. In addition, authorities did not enforce children's

attendance at school regularly, and parents rarely, if ever, were sanctioned for keeping their children out of school.

GSE formed a committee for the Quality Improvement in Primary Schools program to implement quality education in basic schools. According to an International Labor Organization (ILO) representative, 1,789 teachers and circuit supervisors benefited from in-service training through this program. The program also provided training in basic management skills for staff in all 86 districts in the southern part of the country.

There were frequent reports that male teachers sexually assaulted their female students. The girls often were reluctant to report the attacks to their parents, and social pressure often prevented parents from going to authorities. A 2003 survey reported that 27 percent of school girls interviewed stated their teacher had pressured them for sex, 25 percent stated they knew at least one teacher having an affair with a school girl, and 79 percent stated they were sexually harassed by male classmates. Reliable data for the entire country was unavailable, so the overall scale of this problem was unknown. There were several press reports of teachers and headmasters/headmistresses either arrested for sexual harassment of female students or dismissed for ignoring reported problems.

WAJU and regular police units increasingly investigated and prosecuted sexual abuse of minors, and press reports of court cases ending in lengthy prison sentences became routine. Teachers also played a significant role in reporting cases of abuse to the authorities. For example, schoolteachers reported to WAJU two cases of forced marriages during the year. According to WAJU, there was an increase during the year of teachers referring girls and families to WAJU for help.

"Defilement," or sexual abuse against minors, remained a problem. WAJU announced in June that between 1999 and May, there were 1,756 cases reported in which men victimized children between the ages of 2 and 15. WAJU also reported that, during the same period, 397 girls over the age of 16 had reported cases of rape and 44 incestuous relationships were reported.

WAJU reported that during the year, there were 63 cases of exposing a child to harm and 7,421 cases of child neglect. At year's end, WAJU reported a total of 734 cases of defilement that were reported during the year.

In April, a farmer in the Ashanti Region was sentenced to 12 years in jail for sexually abusing a 3-year-old girl in 2003. In June, a district court remanded a 22-year-old man into custody for sexually abusing a 13-year-old girl with disabilities. In July, a 24-year-old man was remanded into custody for sexually abusing a 7-year-old girl in the Central Region.

Trokosi is a religious practice involving a period of servitude among the ethnic Ewe group in the Southern Volta Region. A virgin girl, sometimes under the age of 10, but often in her teens, is given by her family to work and be trained in traditional religion at a fetish shrine for a period lasting between several weeks and 3 years to atone for an allegedly heinous crime committed by a family member. In exceptional cases, when a girl of suitable age or status is unavailable, a boy can be offered. The girl, who is known as a Trokosi or a Fiashidi, becomes the property of the shrine god and the charge of the shrine priest for the duration of her stay. While instances of sexual abuse may occur on a case-by-case basis, there was no evidence that sexual or physical abuse was an ingrained or systematic part of the practice. The practice explicitly forbids a Trokosi or Fiashidi to engage in sexual activity or contact during her atonement period. After she completed her service to the shrine, the girl's family must provide material items such as drinks, cloth, money, or livestock to the shrine for a final release ritual. After the release ritual, the girl returns to her family. In the vast majority of cases, there is no particular stigma attaching to her status as a former Trokosi shrine participant. Generally the women continued to voluntarily associate themselves with the shrine, often when a Trokosi woman dies, years if not decades after she has completed her service, her family was expected to replace her with another young girl, continuing the association of the family to the shrine from generation to generation. In very rare cases, the family abandons the girl or cannot afford the cost of the final rites, in which case she may remain at the shrine indefinitely. She also may leave the shrine and return to her village; however, her family's reputation with the shrine, and possibly with the community, may be tarnished. Reports on the number of women and girls bound to Trokosi shrines vary; however, shrines rarely have more than four girls serving their atonements at any one time. According to credible reports from international observers, there were no more than 100 girls serving at Trokosi shrines throughout the Volta Region at year's end.

Comprehensive legislation protects women's and children's rights and includes a ban on ritual servitude, which many activists interpreted to include Trokosi. According to human rights groups, the practice has decreased in recent years because other belief systems have gained followers, and fetish priests who died have not been replaced. Adherents of Trokosi describe it as a practice based on traditional African religious beliefs; however, the Government does not recognize it as a religion.

Forced childhood marriage, which is illegal, remained a problem. In August, the Acting Commissioner for CHRAJ declared forced marriage as the major human rights abuse issue in the Northern Region. In June, a 16-year-old girl committed suicide to protest an abusive marriage she had been forced into. In September, a chief in the Ashanti Region was arrested and remanded for allegedly defiling a 14-year-old girl. The investigation continued at year's end.

There were no further developments in the attempt of Ghana National Commission on Children (GNCC) and the CHRAJ to effect the prosecution of a chief who married a 14-year-old and impregnated her.

There were no updates in the investigations into the 2002 case of a 15-year-old girl forced to marry a 60-year-old man and the 2002 kidnapping of a 5-year-old girl for ritual purposes.

FGM was performed primarily on girls (see Section 5, Women).

Child prostitution, although illegal, also existed. The ILO International Program to Eliminate Child Labor (ILO/IPEC) organized workshops throughout the year to create awareness of increasing child prostitution in the tourism industry and create a strategy to combat the problem.

There were reports that trafficking in children occurred, for forced labor or sexual exploitation including children being sold into various forms of involuntary servitude (see Section 5, Trafficking).

Child labor was a serious problem (see Section 6.d.).

The migration of children from rural to urban areas increased, due to economic hardship. Children were driven to the streets to fend for themselves, increasing both the occurrence of child labor and the school dropout rate (see Section 6.d.). In 2003, the Ghana Statistical Service and ILO/IPEC surveyed 2,314 street children throughout the country, most of whom lived in the urban areas of the Greater Accra and Ashanti Regions and had migrated from northern rural areas. Of those surveyed, 45.7 percent had never attended school, 98.1 percent were engaged in economic activity within the last 12 months, and 80 percent said the work was demanding. Over three-quarters of street children surveyed said that both parents were alive, indicating poverty was the main cause of the problem.

The GNCC, a policymaking and coordinating body established to improve the lives of children, administered training programs for law enforcement and judicial officials to familiarize them with the Children's Act and other pertinent child labor legislation.

Local and international NGOs worked in conjunction with the Government to promote children's rights and were somewhat successful in sensitizing communities to protecting the welfare of children.

#### Trafficking in Persons

No laws specifically addressed trafficking in persons, and trafficking in persons was a problem. The Government can prosecute traffickers under laws against slavery, prostitution, abduction, and underage labor. However, these laws do not adequately provide for victim assistance and rehabilitation, nor do they specifically penalize trafficking. The country was a source and a destination country for trafficked persons. WAJU reported that there were 190 cases of abduction and 19 cases of child stealing during the year.

Law enforcement authorities were not given sufficient resources to deal with the problem and had a difficult time identifying persons who were being trafficked because of the fluid nature of family relations in the country. For example, children were often trafficked into the custody of someone referred to as a "cousin" or an "aunt" even if there was no blood relation. The Government, the ILO, and NGOs trained security forces, immigration authorities, customs and border officials, and police on the problems of trafficking.

Police officials claimed that the lack of legislation criminalizing trafficking hampered their efforts. The trial of a woman arrested in the Upper East Region in 2001 for trafficking eight boys and three girls to the Gambia was ongoing at year's end. The case of traffickers intercepted in 2002 with 50 children was pending in court at year's end.

In April, 12 girls who had been trafficked to the Gambia for prostitution were repatriated under the custody of the Department of Social Welfare.

Various ministries worked with the ILO/IPEC, the IOM, and NGOs to address trafficking. The Ministry of Manpower Development and Employment, in conjunction with ILO/IPEC, continued to implement a National Plan of Action for the Elimination of Child Labor (see Section 6.d.). The IOM, the African Center for Human Development, and the Ministry of Women and Children's Affairs worked to identify and repatriate children trafficked to fishing villages.

Trafficking was both internal and international, with the majority of trafficking in the country involving children from impoverished rural backgrounds. The most common forms of internal trafficking involved boys from the Northern Region going to work in the fishing communities along the Volta Lake or in small mines in the west, and girls from the north and east going to Accra and Kumasi to work as domestic helpers, porters, and assistants to local traders (see Section 6.d.). Local NGOs reported these children were subjected to dangerous working conditions and sometimes were injured or killed as a result of the labor they performed.

Children between the ages of 7 and 17 also were trafficked to and from the neighboring countries of Cote d'Ivoire, Togo, and Nigeria to work as farm workers, laborers, or household help.

Much of the recruitment of children was done with the consent of the parents, who sometimes were given an advance payment or promised regular stipends from the recruiter and were told the children would receive food, shelter, and often some sort of training or education. Some parents sent their children to work for extended family members in urban areas. Treatment of children sent to work in relatives' homes varied. Many children were given to professional recruiters, usually women, who placed

the children with employers in cities. A child in these circumstances usually was paid between \$2.20 and \$3.30 (20,000 and 30,000 cedis) per month. In many cases, the children never received the education or vocational training the recruiters promised. Girls could be forced into prostitution and were sometimes sexually abused by their employers.

Women also were trafficked to Western Europe, mostly Italy, Germany, and the Netherlands. International traffickers promised the women jobs; however, the women often were forced into prostitution once they reached their destination. The women were sent sometimes directly to Europe, while others were trafficked through other countries. Some young women were trafficked to the Middle East, particularly Lebanon, where they worked in menial jobs or as domestic help. There also was a growing trade in Nigerian women transiting through the country on their way to Western Europe and reportedly the Middle East to work in the sex industry. Traffickers from other countries reportedly used Accra as a transit point to Europe and reportedly the Middle East. Reportedly, there was some trafficking in persons from Burkina Faso, mostly transiting through the country on the way to Cote d'Ivoire.

The Government coordinated anti-trafficking efforts with NGOs and called meetings of its Human Trafficking Task Force occasionally during the year to discuss draft antitrafficking legislation; however, an ILO/IPEC Steering Committee, which included many government officials, provided the major focus for antitrafficking activities (see Section 6.d.).

Several NGOs, both local and international, worked with trafficking victims. These organizations, as well as the University of Ghana's Center for Social Policy Studies, conducted studies into trafficking as part of their broader agenda, performed some rescue operations for street kids, provided training and education for victims of trafficking and abuse, and in some cases, assisted with family reunification. An antitrafficking in persons bill was pending at year's end.

#### Persons with Disabilities

The Constitution specifically provides for the rights of persons with disabilities, including protection against exploitation and discrimination. While the Government did not systematically or overtly discriminate against persons with disabilities, in practice, such persons often experienced societal discrimination. The Constitution also provides persons with disabilities access to public buildings "as far as practicable;" however, in practice this provision was not implemented. In 2003, the Department of Social Welfare officials estimated that 10 percent of the population had some form physical disability.

In June, the Interim Chairman of the Ghana Union of Physically Disabled Workers accused the GES of not paying workers with disabilities their entitled disability allowance. In 1999, the Government established a policy whereby blind and wheelchair-bound persons would receive a disability allowance. According to the Ghana Union of Physically Disabled Workers, approximately 60 persons of persons with disabilities were denied this allowance and the main offender was the GES.

There were multiple government agencies involved in addressing discrimination against persons with disabilities, including the Ministry of Health, the Department of Social Welfare, and the Ministry of Education.

With international donor funding, the Ghana Association for the Blind and the Electoral Commission provided tactile ballots and poll worker training to enable visually impaired citizens to vote in presidential and parliamentary elections in December.

A man with disabilities in the Brong Ahafo Region was reelected to Parliament in the December national elections.

During the year, the Mental Health Law was under review for the first time in 32 years. The Ministry of Health and the World Health Organization collaborated to identify areas of the law that need revision and create a strategy for implementing a new law.

#### National/Racial/Ethnic Minorities

Although the Government played down the importance of ethnic differences, its opponents have complained that the Government is dominated by Ashantis and other Akans at the expense of Ewes and northerners. The President and some of his ministers and close advisors were Ashanti, but the Vice President and many ministers were of other ethnic origins.

Following the December national elections, there were reports of some ethnically motivated taunting in the Central Region. Some NDC supporters allegedly harassed Fantes (an ethnic group prominent in the region) for not voting for the NDC's candidate, who came from the Central Region and was himself a Fante.

Efforts by NGOs to encourage reconciliation continued during the year; however, there were several violent confrontations within ethnic groups related to chieftancy issues, particularly involving succession and land. The trial of four persons charged with rioting, conspiracy, attempted murder, and murder from an August 2003 clash in Brekusu, Eastern Region, was ongoing at year's end.

The state of emergency that was enforced following the 2002 clashes between rival factions of royal families in Yendi, Northern Region, was lifted on August 18. A three-person team of traditional leaders, appointed by the President, and several local NGOs, continued to conduct various peace-building and reconciliation activities between the factions, which led to progress in reducing

tensions.

#### Other Societal Abuses and Discrimination

The law is discriminatory toward homosexuals, and homosexuality is criminalized in the country. There is a minimum misdemeanor charge for homosexual activity, and homosexual men often are subjected to abuse in prison. In May, the Acting Commissioner for CHRAJ publicly suggested that the Government consider decriminalizing homosexuality to conform to international standards of human rights. Homosexuality was socially taboo in the country, and many persons continued to erroneously link the prevalence of HIV/AIDS only with a homosexual orientation.

Discrimination against persons living with HIV/AIDS was a problem, and the fear of being stigmatized continued to discourage persons from being tested. In April, the Inspector General of Police publicly urged all police officers to be tested voluntarily through a free service available to the police. During the year, several key government representatives publicly denounced discrimination against persons living with HIV/AIDS. The Cabinet approved a policy to protect persons living with HIV/AIDS.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides for freedom of association, and workers exercised this right in practice. The percentage of workers belonging to unions appeared to be decreasing as more of the workforce entered the informal sector where there was no union activity. The Ministry of Employment and Manpower Development estimated that 80 percent of the work force was employed in the informal sector, and the number was expected to increase.

In the past, all unions had to be affiliated with the Trade Union Congress (TUC). Under the 2003 labor law, unions, may operate independently of the TUC, and several groups have established independent unions.

##### b. The Right to Organize and Bargain Collectively

The law protects workers from employer interference and their right to organize and administer their unions and workers exercised this right in practice. The law also provides a framework for collective bargaining, and trade unions engaged in collective bargaining for wages and benefits for both private and state-owned enterprises without government interference. However, the Government, labor, and employers negotiated together to set the daily minimum wage through a National Tripartite Committee. The labor law, enacted in late 2003, gives the Committee a formal role to determine and set the national daily wage, consult on matters of social and economic importance, and advise on employment and labor market issues.

The 2003 legislation repealed a law restricting the right to bargain collectively to only those groups that apply for a Collective Bargaining Certificate through the TUC, essentially giving the TUC a monopoly and breaching the right to establish and choose organizations. The 2003 law allows any trade union to apply for a Collective Bargaining Certificate through the Chief Labor Officer; however, the Chief Labor Officer grants a Collective Bargaining Certificate only to the union that represents the majority of workers at a given company.

The law recognizes the right to strike; however, the 2003 labor law restricts that right for workers who provide essential services. The Minister of Manpower Development and Employment had not formally designated the list of essential services by the year's end. The right to strike can also be restricted for workers in private enterprise whose services were deemed essential to the survival of the enterprise by a union and an employer. A union may call a legal strike if parties fail to agree to refer the dispute to voluntary arbitration or if the dispute remains unresolved at the end of arbitration proceedings. No union has ever gone through the complete dispute resolution process, and there were numerous unsanctioned strike actions during the year. There have been no legal strikes since independence.

There is legislation authorizing export processing zones (EPZs), and a few EPZs are in operation. Existing labor law applies in any EPZ, including the right to organize.

##### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Sections 5 and 6.d.).

The 2003 labor law provides for fines to employers found guilty of forced labor; however, by year's end, the law had not been used. During the year, the ILO continued to urge the Government to revise various legal provisions that permitted imprisonment with an obligation to perform labor for offenses that were not allowed under ILO Convention 105.

##### d. Prohibition of Child Labor and Minimum Age for Employment

The law sets a minimum employment age of 15 years and prohibits night work and certain types of hazardous labor for those under 18 years of age; however, child labor was a serious problem in the informal sector. The Children's Act establishes a minimum age for employment, prohibits night work and hazardous labor, and provides for fines and imprisonment for violators. In addition, the legislation allows for children age 15 years and above to have an apprenticeship whereby the craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools. However, child labor laws were not enforced effectively or consistently, and law enforcement officials, including judges, police, and labor officials, often were unfamiliar with the provisions of the law protecting children. Observance of minimum age laws was eroded by local custom and economic circumstances that encouraged children to work to help support their families.

An ILO/IPEC-Ghana Statistical Service survey of child labor released in 2003 found that 2.47 million children were engaged in some economic activity, and 64.3 percent of those children attended school. Of those children engaged in economic activity, 1.27 million children were found to be engaged in child labor as defined by age and hazardous working conditions. Children as young as 7 years worked as domestic laborers, porters, hawkers, miners, quarry workers, fare collectors, and in agriculture. The fishing industry on Lake Volta had a particularly high number of child laborers engaged in potentially hazardous work, such as deep diving. According to an ILO representative, child labor in the tourism industry also increased. Child laborers were poorly paid and subjected to physical abuse; they received little or no health care and generally did not attend school. According to government labor officials and the Ghana Employers Association, child labor problems did not exist in the formal labor sector because the formal sector was better regulated.

The law prohibits forced and compulsory labor performed by children; however, during the year, children were reportedly sold, leased, or given away by parents to work in agriculture, fishing villages, quarry mines, shops, or homes. It was difficult to determine the extent to which forced and bonded labor by children was practiced. Some children were connected to Trokosi shrines, although the practice has declined in recent years (see Sections 5).

There were newspaper reports of children being sold into various forms of involuntary servitude for either sexual exploitation or labor, such as 10- to 12-year-old boys working for fisherman in exchange for a yearly remittance to their families. The practice often involved the consent of their generally impoverished parents. Reliable data was not available on the number of children who were working in fishing villages along Lake Volta; nevertheless, NGOs who worked on this issue estimated the number to be well into the thousands (see Section 5).

Inspectors from the Ministry of Labor and Social Welfare are responsible for enforcement of child labor regulations, and district labor officers and the Social Services sub-committees of District Assemblies are charged with seeing that the relevant provisions of the law are observed. They visited each workplace annually and made spot checks whenever they received allegations of violations. All law enforcement and judicial authorities in the country were hampered by severe resource constraints and a lack of public awareness about the problem.

When Ministry of Manpower Development and Employment inspectors found infractions of child labor laws during their routine monitoring of companies' labor practices, they generally informed the employers about the provisions of the law and asked them to make changes. There were no prosecutions for child labor resulting from these inspections. Officials only occasionally punished violators of regulations that prohibited heavy labor and night work for children. In addition, the inspectors' efforts were concentrated only in the formal sector, which was not where most child labor was performed.

ILO/IPEC, government representatives, the TUC, the media, international organizations, and NGOs continued to build upon the 2001-02 "National Plan of Action for the Elimination of Child Labor in Ghana," by increasing institutional capacity to combat child labor. Education and sensitization workshops were conducted with police, labor inspectors, local governments, and communities. Forums were held throughout the country to develop and implement an ILO/IPEC Time-Bound Program, which aimed to eliminate all forms of child labor under specified time periods and benchmarks.

#### e. Acceptable Conditions of Work

A National Tripartite Commission composed of representatives of the Government, labor, and employers set daily minimum wages. In April, after lobbying by trade unions, the Tripartite Commission raised the daily minimum wage to \$1.20 (11,200 cedis), which did not provide a decent standard of living for a worker and family. Furthermore, there was widespread violation of the minimum wage law. In most cases, households had multiple wage earners, and family members engaged in some family farming or other family-based commercial activities.

The law sets the maximum workweek at 40 hours, with one break of at least 48 consecutive hours every 7 days. The Government compensated extra duty hours only for overtime actually worked, in accordance with labor equity, rather than as an automatic salary supplement.

Occupational safety and health regulations exist, and the Labor Department of the Ministry of Health and Social Welfare occasionally imposed sanctions on violators. However, safety inspectors were few and poorly trained. They took action if matters were called to their attention but lacked the resources to seek out violations. Workers have the right to withdraw themselves from dangerous work situations without jeopardy to continued employment, although they rarely exercised this right.